jury that this was a case of murder or nothing. When a group of people attack an unarmed and defenceless man with heavy changkol handles and beat him on the head, the only reference that can be drawn from these facts is that the appellants had at least the intention to cause bodily harm and as ordinary men must have known that the most probable effect of the injuries inflicted would be death.

The appeals of the first four appellants are dismissed.

As regards the fifth and sixth appellants, we do not consider that the direction given by the learned trial Judge on section 149 was satisfactory. To make these appellants liable there has to be proof of knowledge that the offence was likely to be committed. The jury were not directed on this point. Had they been adequately directed they might have found the appellants guilty of a lesser offence.

In these circumstances we allow their appeals and alter the convictions of appellants Nos. 5 and 6 to a conviction under section 149 as read with section 325 of the Penal Code, the least offence of which the jury on the evidence could have found them guilty, and impose a sentence of seven years rigorous imprisonment on each appellant.

The appeals of 1st four appellants dismissed.

The appeals of 5th and 6th appellants allowed and convictions altered.

LEONG MAN PAN & ANOR.
v.
PRESIDENT, THONG SOW HONG.

[App. Civ. Juris. (Sir Charles Murray - Aynsley, C.J.) July 10, 1952]

[Singapore — District Court Appeal No. 19 of 1951]

Landlord and tenant — Control of Rent Ordinance, 1947, s. 14(1)(a) — Demand of rent — Rent in arrear after demand made — "Demand" — Meaning of.

No restrictive meaning should be put upon the word "demand". The object of the demand is to give the tenant a chance to pay and, of especial importance, to let the tenant know where rent can be paid. If the tenant fails to take advantage of this, the protection of the Ordinance ceases. For the purpose of this Ordinance, rent unpaid after the demand is in arrear.

Cases referred to :—

(1) *Crouch v. Pastolfe* 83 E.R. Raym. T. 418.

(2) *Tan Yee Moh v. Varthamal* (1948) M.L.J. 55 and (C.A.) 180.

DISTRICT COURT APPEAL.

R. H. Green for the appellants.

N. N. Leicester for the respondent.

Cur. Adv. Vult.

Sir Charles Murray-Aynsley, C.J. : — This appeal raised a short point under the Control of Rent Ordinance, 1947, No. 25 of 1947. It is a question of the construction of section 14(1)(a). The learned District Judge held that the word "demand" had a restricted meaning, namely, that it had to satisfy the exacting requirements of the common law, as they are set out in *Crouch v. Pastolfe*[1]. The case from Perak of *Tan Yee Moh v. Varthamal*[2] was cited in support. I do not think that that case applies. Here the basis of the claim to possession is termination of the tenancy by notice to quit. Apart from section 14 of this Ordinance that would be unanswerable. However, the Legislature has given in certain cases protection to the tenant in that an order for possession can only be given if certain conditions are fulfilled. Here the rent must be in arrear for twenty-one days after demand. I do not think that it is necessary to put a restrictive meaning upon the word "demand". A demand in solemn form as required by the common law is in point of fact so obsolete that I do not think that the Legislature intended such a proceeding. The object of the demand is to give the tenant a chance to pay and, of special importance, to let the tenant know where rent can be paid. If the tenant fails to take advantage of this the protection of the Ordinance ceases. For the purpose of this Ordinance rent unpaid after the demand is in arrear.

The appeal is allowed with costs. Deposit to appellant.

Appeal allowed.

CHANG GIM HENG v. CREDIT FONCIER D'EXTREME - ORIENT & ANOR.

[App. Civ. Juris. (Sir Charles Murray - Aynsley, C.J.) March 6, 1952]

[Singapore — District Court Appeal No. 16 of 1951]

Landlord and tenant — Control of Rent Ordinance, 1947, s. 14(1)(i) and (m) — "Premises" — Definition of — Building 25 years old — Consent of landlord to erection presumed.

This was an appeal concerning the recovery of property on what is known as Siglap Estate. The property demised consisted of land on which had been erected a wooden hut which was not of such a character as to form part of the freehold and which appeared to be the property of the tenant. It stood there for at least 25 years.